

157514
Environmental Protection Agency

113 W. Main Street Collinsville, IL. 62234

618/345-4606

Refer to: St. Clair County - LPC 163 121 01 - Sauget/Sauget

November 9, 1981

Sauget and Company
% Paul Sauget
2902 Monsanto Avenue
Sauget, Illinois 62206

Mr. Fred Leyhe
Eagle Marine Industries
112 North 4th Street
St. Louis, Missouri 63102

Dear Mr. Sauget:

A reinspection of your property located in and near Sauget, Illinois was made by P. M. McCarthy and P. C. Mann, representing this Agency on October 28, 1981.

The inspection disclosed the following conditions which constitute violations of the Environmental Protection Act and Chapter 7 of the Illinois Pollution Control Board Solid Waste Rules and Regulations:

It was observed that your site is not in compliance with the Illinois Pollution Control Board Opinion and Order, P.C.B. 77-84, dated August 24, 1978. The order directed that final cover to a depth of two feet be applied to the site at a rate of 20% coverage during each six month period from the date of the Board Order. As of this date, the site should be completed.

The sites (north and south) are not restricted to access.

Random dumping continues at the north end of the south site.

Leachate was observed along the bank of the Mississippi River, near the west central portion of your site. Flows were observed entering the water.

The Agency has referred the results of this investigation to the Attorney Generals Office for further legal action.

Mr. McCarthy or myself may be contacted by telephone at the above listed number for discussion of the inspection or arrangements for reinspection.

Sincerely,

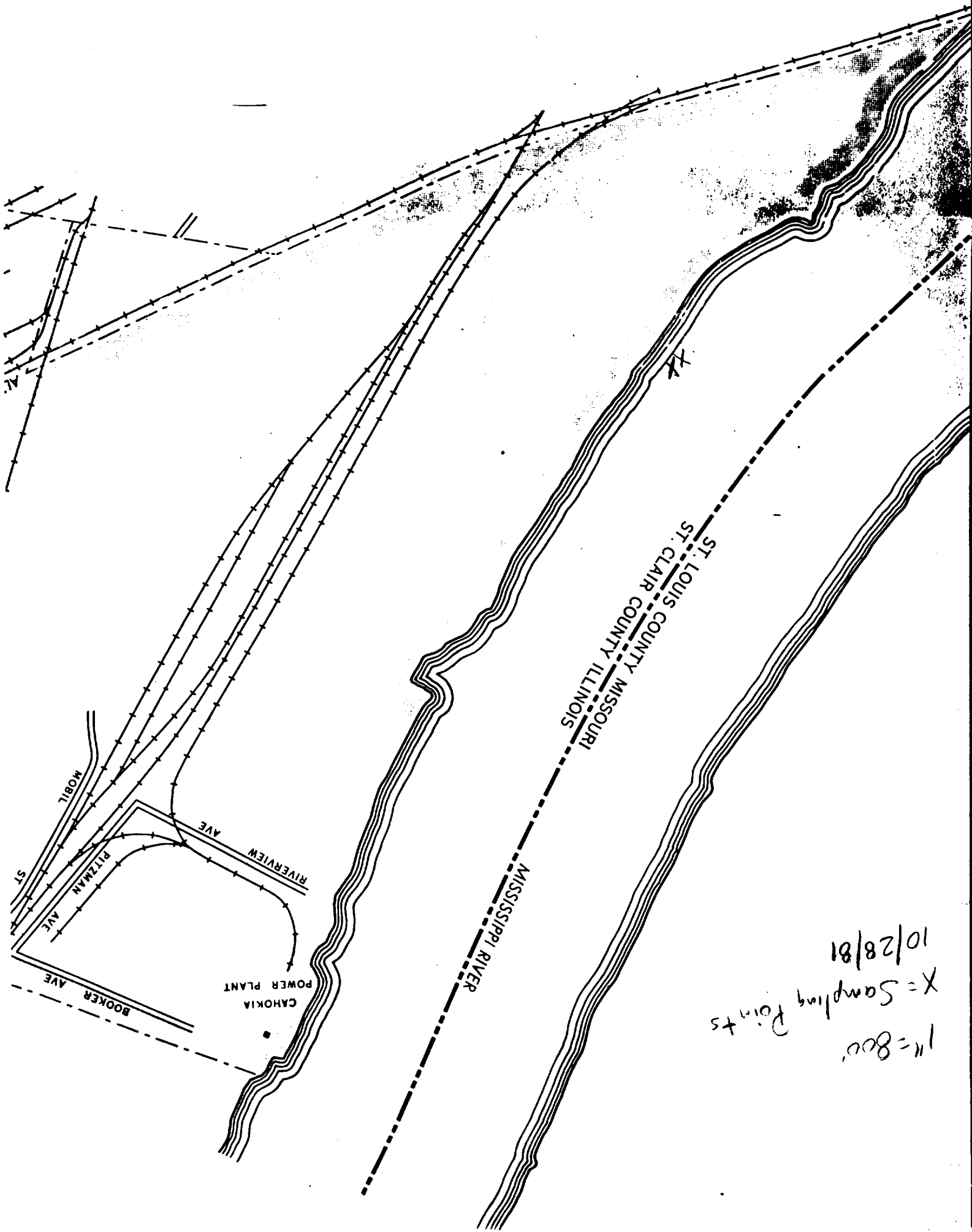
K&M

Kenneth G. Mensing, Southern Region Manager
Land Field Operations Section
Division of Land/Noise Pollution Control

PMM:jlr

Enclosure: Inspection Report

cc: Division File
Southern Region ✓
Vince Moreth, Ass't. A. G.



1"=800'
X = Sampling Points
10/28/81



Illinois Environmental Protection Agency

TELEPHONE: 217/782-3397

June 26, 1978

Mr. William Barzano
Assistant Attorney General
Environmental Control Division
500 South Second Street
Springfield, Illinois 62706

Re: EPA v. PAUL SAUGET
PCB# 77-84
IEPA# 3602

Dear Bill:

Enclosed please find the Statement of Stipulated Settlement in the above-captioned matter executed by the Agency.

Thank you for your cooperation and representation in this matter.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Delbert D. Haschemeyer".

Delbert D. Haschemeyer
Manager, Enforcement Programs

DDH/cp

Enclosure

cc: T. Chiola
: Southern Region
: F.O.S.
: E.P.

2200 Churchill Road, Springfield, Illinois 62706

Paul

STATE OF ILLINOIS)
) SS
COUNTY OF ST. CLAIR)

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 V.) PCB 77-84
)
PAUL SAUGET, individually, SAUGET AND)
COMPANY, a Delaware corporation, EAGLE)
MARINE INDUSTRIES, INC., a Missouri)
corporation, and RIVER PORT FLEETING)
INC., a Missouri corporation,)
)
 Respondents.)

STIPULATION, STATEMENT OF FACTS AND
PROPOSAL FOR SETTLEMENT

For purposes of settlement only, Respondents, PAUL SAUGET and SAUGET AND COMPANY, a Delaware corporation, by their attorney HAROLD G. BAKER, JR., and the Complainant, ENVIRONMENTAL PROTECTION AGENCY (hereinafter the "Agency"), by its attorney, WILLIAM J. SCOTT, Attorney General of the State of Illinois, do hereby stipulate and agree that the statement of facts contained herein represents a fair summary of the evidence and testimony which would be introduced by the parties if a hearing were held. The parties further stipulate that the Statement of Facts is made and agreed upon for the purpose of settlement only and that neither the fact that a party has entered into this Stipulation, nor any of the facts stipulated herein, shall be introduced into evidence in this or any other proceeding unless the Illinois Pollution Control Board (hereinafter the "Board") approves and disposes of this matter on each and every one of the terms and conditions of settlement set forth herein. This document is admissible only

for the purposes of this cause and may not be used in any other proceeding between any of these parties and others. None of the matters covered herein may be construed as facts or admissions of fact or admissions against interest for any purpose other than this proceeding.

STATEMENT OF FACTS

1. PAUL SAUGET, one of the Respondents, is an officer and the principal owner of SAUGET AND COMPANY, a Delaware corporation.
2. SAUGET AND COMPANY, one of the Respondents, is a corporation organized under the laws of the State of Delaware and, at all pertinent times until November 15, 1973, was authorized to transact business in the State of Illinois.
3. Beginning in the fall of 1959 and continuing each and every day to on or about April 26, 1973, SAUGET AND COMPANY operated a refuse disposal site located in Township 2 North, Range 10 West of the 3rd Principal Meridian, Centerville Township, St. Clair County, Illinois.

The refuse disposal site consists of two (2) parts which are separated by the right-of-way of the Alton & Southern Railroad.

The part of the refuse disposal site north of the Railroad is bounded on the south by the Railroad; on the west by a line parallel to, and approximately 300 feet easterly of, the Mississippi River; on the north by Riverview Avenue; and on the west by the levee; all excluding the landfill of Monsanto Company and the fly-ash pond of Union Electric Company.

The part of the refuse disposal site south of the Railroad is bounded on the north by the Railroad; on the east by the levee; on the south by Red House Road; and on the west by a road (shown on Respondents' Exhibit No. 2) which is generally parallel to, and 1200 feet easterly of, the Mississippi River; all excluding an area at the southeastern most corner of such part, which area has an approximate width (measured perpendicularly to the levee) of 500 feet and an approximate length (measured parallel to the levee) of 1200 feet.

4. EAGLE MARINE INDUSTRIES, INC., one of the Respondents, is a corporation organized under the laws of the State of Missouri and presently owns a portion of said refuse disposal site formerly operated by Respondent SAUGET AND COMPANY. RIVER PORT FLEETING, INC., one of the Respondents, is a corporation organized under the laws of the State of Missouri and presently owns a portion of said refuse disposal site formerly operated by Respondent SAUGET AND COMPANY. On February 24, 1978, a motion to dismiss without prejudice was filed by the Agency with the Board regarding the Respondents EAGLE MARINE INDUSTRIES, INC. and RIVER PORT FLEETING, INC., based upon a Stipulation entered into by the Agency with said Respondents.

5. Respondent PAUL SAUGET and Respondent SAUGET AND COMPANY (hereinafter "said Respondents") have failed to place a final suitable cover of at least two (2) feet of suitable material over the entire surface of all completed portions of the refuse disposal site described in paragraph 3, although cover which said Respondents believed to be acceptable or suitable, or both, has been placed

on the site, despite notices from EPA to the contrary. Said final cover should have been placed upon the site prior to October 26, 1973.

6. The parties hereby agree that the Hearing Officer may instanter enter an order that the record of a prior proceeding (PCB 71-29) involving said Respondents shall be incorporated, pursuant to Board's Procedural Rule 320(c), into the record of this proceeding.

7. In PCB 71-29, Respondent PAUL SAUGET testified that he had been given permission from the Director of the Illinois Department of Public Health to use cinders as a cover material (R. 157 and 175) and this testimony was accepted by the Board. Therefore, cinders used by said Respondents as a cover material prior to the decision of the Board in PCB 71-29 on May 26, 1971 are accepted as cover material for the purposes of this stipulation, but not for that portion of the refuse disposal site operated after May 26, 1971. Furthermore, cinders shall not hereafter be used by said Respondents in complying with the provisions hereof.

8. In said Respondents' refuse disposal site, refuse was deposited commencing in the northern portion of the site in 1959 and continuing thereafter in a southerly direction.

9. The parties agree that the 1966 operating face shall be deemed to have been a straight line perpendicular to the levee running along the road at the south end of Union Electric's fly-ash pond (as shown in said Respondents' Exhibit No. 1).

10. The parties also agree that the 1971 operating face shall be deemed to have been a straight line parallel to, and 1200 feet southerly of, said 1966 operating face (as shown in said Respondents' Exhibit No. 2).

PROPOSED TERMS OF SETTLEMENT

A. As a result of the settlement discussions had and the control programs agreed to hereinafter, and partially heretofore implemented by said Respondents, the parties believe the public interest will be best served by the resolution of this enforcement action under the terms and conditions provided herein. In accordance with the procedure for settlement prescribed in Board's Procedural Rule 331, the parties offer this Stipulation, Statement of Facts and Proposed Terms of Settlement in lieu of a full evidentiary hearing.

B. This stipulation is expressly conditioned upon, and effective only with, approval hereof in all respects by the Board. All statements and agreements contained herein shall be null and void and of no effect and shall not be used in any further proceeding in the event that the Board fails to approve these Terms of Settlement in all respects.

C. Respondents, PAUL SAUGET and SAUGET AND COMPANY, admit the allegations contained in paragraph 15 of Count V of the Amended Complaint, in that each of them, since October 26, 1973, has failed to place a compacted layer of at least two (2) feet of suitable material over the entire portion of the refuse disposal site

heretofore operated by them. As stated in paragraph 5 hereof, they do not necessarily admit, however, that final cover has not been placed upon the refuse disposal site, there having heretofore been disputes concerning the depth or the suitability, or both, of the final cover.

D. Said Respondents agree to place two (2) feet of suitable cover material on said site in accordance with Rule 5.07(b) of the Rules and Regulations for Refuse Disposal Sites and Facilities (promulgated in 1966 by the Illinois Department of Public Health) as follows:

(1.) From the 1966 operating face through the 1971 operating face of the refuse disposal site, said Respondents agree to place suitable cover over the site, where necessary, to bring the total final cover to a depth of two (2) feet; cinders already in place used as a cover material north of the 1971 operating face of the site being acceptable as suitable cover material between the 1966 and 1971 operating faces of the site;

(2.) South of the 1971 operating face, said Respondents agree to place suitable cover material over the site, where necessary, to bring the total of final suitable cover to a depth of two (2) feet, excluding cinders already in place; X

(3.) Such additional cover shall be placed on the site starting with that part south of the 1971 operating face; X

(4.) Subject to extensions of time which may be granted under the provisions of paragraph G hereof, such final cover shall be placed over 20% of the site during each six (6) month period after the date upon which the Board enters an Order approving this settlement and such work on all parts of the site shall be completed within thirty (30) months of the date that the Board enters such Order.

E. The final cover used by Respondents during the month of May, 1978 and sampled by the Agency is satisfactory and acceptable to the Agency. In the event that Respondents hereafter change the type of final cover from that used in May, 1978 and sampled by the Agency, said Respondents shall notify Agency and cooperate

with it in taking samples of the proposed new type of final cover.

F. Except as hereinbefore specified, the final cover to be used by the Respondents must be "suitable." Neither the Board nor the Agency has heretofore officially adopted any definition of "suitable" cover. The Agency proposes to the Board that it adopt the definition attached hereto, marked Exhibit A and, by this reference, incorporated herein and made a part hereof. Respondents have not seen such definition until the date of the hearing at which this Stipulation is filed and, for that reason and others, do not approve, disapprove or agree to such definition. Respondents' final suitable cover hereafter used shall conform to such definition, if it be approved and adopted by the Board, subject to said Respondents' rights to seek a variance or variances from such definition.

G. Said Respondents' obligation to meet any time requirements set out herein shall be extended as the result of an act of God or by a circumstance beyond said Respondents' control or by the owners' use of the site in violation of the provisions of their Stipulation or by any other circumstance agreed to by the parties. Written notice of the claimed applicability of this provision must be given to Agency by said Respondents, or either of them, or a claim for extension based upon a given set of facts is waived. Should the parties fail to agree on what circumstances shall excuse a delay in the performance or on the period of extension due, Respondents may submit the matter to the Board of resolution after a hearing which may be called or requested by either the Agency or the Respondents, or both, in accordance with Board Procedural

Rule 334(b)(1). Any such hearing must be requested within thirty (30) months of the date upon which the Board enters an Order approving this settlement, plus any extensions requested by the Respondents and granted by the Agency or the Board under the provisions of this paragraph G.

H. Said Respondents agree to file with the Agency a performance bond in the penal sum of \$125,000.00.

I. Said Respondents, jointly and severally, agree to pay a civil penalty of \$5000 in the aggregate. According to the Agency, such a penalty is necessary to aid in the enforcement of the Act, in view of the prior decision of the Board regarding said Respondents in PCB 71-29 and in view of the previous notice given to said Respondents regarding the violation of the Act cited in paragraph 15 of Count V of the Amended Complaint and in view of the amount of time that has elapsed since the date that final cover was due. Said penalty shall be payable in two (2) monthly installments of \$2,500.00 per month on the thirtieth (30th) and sixteenth (60th) calendar days after the date upon which the Board enters an Order approving this settlement.


I. All other allegations of the Complaint and the Amended Complaint, as they pertain to said Respondents, shall be dismissed with prejudice to the Agency.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
Complainant

By: Mike Mangy B.D.
Its Director


WILLIAM J. SCOTT, Attorney General

By: _____
Assistant Attorney General
ATTORNEY FOR COMPLAINANT

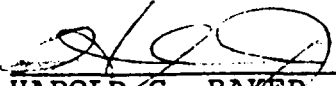


PAUL SAUGET
One of the Respondents

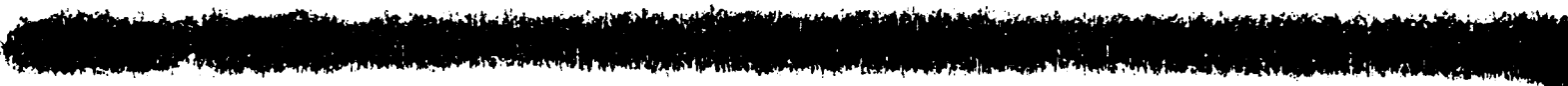
SAUGET AND COMPANY
One of the Respondents

By: 

PAUL SAUGET
Its President



HAROLD G. BAKER, JR.
56 South 65th Street
Belleville, Illinois 62223
(618) 397-6444
ATTORNEY FOR SAID RESPONDENTS



((

The term "suitable material" as found in Illinois Pollution Control Board Solid Waste Rules and Regulations, Chapter 7, Rule 305: Cover shall have the **following** definition: naturally occurring soils which allow minimal surface water infiltration, which are compactable, which will promote plant growth, and which have a low permeability, or, such other material as approved by the Environmental Protection Agency.

EXHIBIT A

618/345-0700
115A West Main Street
Collinsville, Illinois 62234

Refer to: St. Clair County - 16312101 - Sauget/Sauget

October 16, 1979

Sauget and Company
c/o Paul Sauget
2902 Monsanto Avenue
Sauget, Illinois 62206

Dear Mr. Sauget:

Your solid waste disposal facility located in and near Sauget, Illinois was inspected on October 4, 1979, by P. M. McCarthy, representing this Agency.

Mr. McCarthy was unable to contact any person in authority at the time of the inspection.

The inspection disclosed the following condition(s) which constitute violations of the Environmental Protection Act and Chapter 7 of the Illinois Pollution Control Board Solid Waste Rules and Regulations:

... The area south of the Alton and Southern Railroad tracks is once again burning. In addition to the open burning of randomly dumped refuse on site, a smoldering and underground fire of a previously filled area was observed. Immediate action should be initiated to extinguish the fire inasmuch as it will continue to spread if unchecked.

... This will also serve to remind you that your site is in violation of Illinois Pollution Control Board Opinion and Order, P.C.B. 77-84 dated August 24, 1978. The order directed the placement of final cover over 20% of the site during each six (6) month period after the Board's Order. Therefore, as of August 24, 1979, 40% of the subject site was to have final cover. The inspection revealed that you have failed to comply with this requirement.

The results of this investigation will be discussed with our Agency attorneys.

KM
PMM ✓

Page 2

If you desire, we encourage you to promptly report in writing, to the undersigned, any facts which you feel indicated that the above-noted results of investigation are incorrect or any circumstances which you feel could mitigate against the violations found.

Sincerely,

Kenneth G. Mensing, Southern Region Manager
Land Field Operations Section
Division of Land/Noise Pollution Control

KGM:PMH:b1s/8547,17,18

Enclosure: Inspection Report

cc: Division File
Southern Region